IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICGTION

CONTEMPT PETTION NO. 85 OF 2004

IN

WRIT PETITION NO. 206 OF 2000

Frenzina D'Penha Mehta and anr. ... Petitioners

vs.

Municipal Corporation of
Greater Bombay and ors. . . . . Respondents

Mr. F. Rego i/b. N. J. D'Mote for petitioners
Ms. Shobha Ajit Kumar for respondents

CORAM: A. S. AGUIAR J.
Date: December, 17,2004

P.C.

Heard Learned Advocate for the respondents. Affidavit in reply tendered is taken on record. The contempt alleged is in respect of the order dated 18th September 2000 passed in Writ Petition No. 206 of 2000, directing the respondents to take immediate steps to clear the plot or any unauthorised structure on the plot. The order dated 7th January 2002 passed by the Division Bench records the statement of Mr. Rao appearing for the Corporation, that the Corporation has already taken steps to implement the T. P. Scheme. The order made it clear that for complying with the order time will not be extended under any circumstances. The respondents are also alleged to have

committed contempt of the order dated 13th November 2003 passed by this court in Contempt Petition No. 98 of 2003 directing the compliance of the order on or before 31.1.2004.

2. Learned Advocate for the BMC points out that the petitioners' advocate has been sent a letter dated 19th March 2004 by the respondent Corporation informing the petitioner that the BMC has demolished all the structures on the land F. P. No. 446 and asking the petitioners to vacate the existing structure on final Plot No. 455 and to take possession of F. P. 446 . Learned Advocate Mr. Rego for the petitioners however points out that the structures on final plot no. 446 have only been partially demolished and vacant possession of the plot of land has not been given to the petitioners. It is further pointed out that there are structures on the 40 feet wide access road making it impossible for the petitioners to take possession of F. P. No. 446 or to develop the plot. Learned Advocate for the Corporation admits that there are structures on the road which have not been demolished and states that every effort is being made by the Corporation to remove the encroachment after giving alternative accommodation to the occupants of the structure and that this will take at least 3 to 4 months.

2. In view of the statement made by Learned Advocate for BMC on instructions from Mr. Pagar Sub Engineer G North Ward who is present in court time granted to the Corporation to demolish the structures on the T.P. Road within three months. The Corporation will demolish the structures on the access road and will also clear and remove all the debris on F. P. No. 446 within a month. Compliance Report to be submitted by the Corporation before the next date.

S. O. 20th January 2005.

(A. S. AGUIAR J.)